

Subject: Fw: Re: WSDF Proposed Cooperative Audit
From: CN=Michael Cox/OU=R10/O=USEPA/C=US
To: CN=Thomas Eaton/OU=R10/O=USEPA/C=US@EPA
Cc: CN=Sheila Fleming/OU=R10/O=USEPA/C=US@EPA
Submit Time: 11/1/2012 03:22:52

Tom,

The report was reviewed by 4 people and technical staff within the region. We also had Steve Hutchins and Ken Forshay from our Ada lab who reviewed and provided comments.

USDA
EPA ORD
USGS
EPA Region 10
Technical folks within Region 10

Michael Cox
Office of Environmental Assessment
US EPA Region 10, 1200 Sixth Avenue, Suite 900
Seattle, WA 98101
206-553-1597
cox.michael@epa.gov

-----Forwarded by Michael Cox/R10/USEPA/US on 10/31/2012 08:19PM -----

To: Washington State Dairy Federation -- <wsdf@msn.com>
From: Washington State Dairy Federation -- <wsdf@msn.com>
Date: 10/31/2012 02:09PM
Cc: Thomas Eaton/R10/USEPA/US@EPA, "agforensic@aol.com" <agforensic@aol.com>, Karma Anderson/R10/USEPA/US@EPA, Michael Cox/R10/USEPA/US@EPA, Sheila Fleming/R10/USEPA/US@EPA
Subject: Re: WSDF Proposed Cooperative Audit

Sorry Tom I wasn't quite finished before I hit send...
There is a lot of material and information the report contains,
Since the information and analysis and conclusions were not reviewed by outsiders other than the USDA fellow, we have lots of questions in numerous areas of this study, report and conclusions.
We have a very short time line to get a professional evaluation and response to this study, so we either need expedience or an extension on the comment period.

Jay Gordon
Washington State Dairy Federation

On Oct 31, 2012, at 2:04 PM, "Washington State Dairy Federation --" <wsdf@msn.com> wrote:

Tom, S stu is one of several folks that are now working with us to prepare comments and evaluation of this report. Obviously the more information we all have the better and easier it will be to evaluate.

Jay Gordon
Washington State Dairy Federation

On Oct 31, 2012, at 11:28 AM, Eaton.Thomas@epamail.epa.gov wrote:

Stu,

Jay has not informed me that your role, as a private consultant, has changed relative to the Dairy Federation. Before I respond in any detail to your allegations, accusations and opinions, I would ask you to clarify your role in this matter. Is your e-mail sent on behalf of any client? If it is the Dairy Federation, I would ask Jay to confirm this.

If I understand your comments correctly, you are also making general statements on behalf of the GWMA. Has the GWMA Advisory Committee or Yakima County authorized you to make these statements?

Best Regards,

Tom Eaton
Director
Washington Operations Office
USEPA, Region 10
360-753-8086

<graycol.gif>agforensic---10/31/2012 09:52:08 AM---Tom, Jay has since modified his views on this issue. Whether or not the DF is a co-sponsor a reply

From: agforensic@aol.com
To: Thomas Eaton/R10/USEPA/US@EPA
Cc: wsdf@msn.com, Karma Anderson/R10/USEPA/US@EPA
Date: 10/31/2012 09:52 AM
Subject: Re: WSDF Proposed Cooperative Audit

Tom,

Jay has since modified his views on this issue. Whether or not the DF is a co-sponsor a reply is measure of professional respect, common sense and good manners. I am hopeful that EPA will be more forthcoming and provide public access to the large number of documents not posted to the web to allow a more thorough review if not a formal, outside audit. To fail to do so leads one to several unpleasant conclusions; First, EPA has something to hide; it seems obscene to me that with 100% taxpayer funding for this "study" we at this time do not have automatic FULL access; Second, EPA was not interested in a fair and balanced study dedicated to minimum standard of scientific reliability, but instead was on a politically driven task to target a specific industry, While ignoring thier own statutory responsibility for water quality on the Reservation (total control) or balance of lower Yakima basin where you delegate and pay for DOE as a surrogate on your behalf. As you know from our many discussions, it seems illogical to ignore documented, annual, repetitive violations of the CWA by the municipal plants which are dumping on average about 24 Million Gallons a day into the Yakima river, while targeting the most highly regulated industry in agriculture, with the named dairies inspected annually by WSDA and DOE and found to be in compliance with those regulations, and by extension all applicable NRCS Practice and Standards. In producing and publishing the limited data and summary report, you and EPA have taken a public stand based on the most questionable "science" I have reviewed in over 30 years. You and EPA have now by your actions created a situation where you must now take the public input as FORMAL COMMENT; I fully expect the agency to respond in writing to each written comment submitted within 90 days of the close of the comment period. Anything less than this would be proof of the agency's illegitimacy and would not only further erode any public consideration of the report, but essentially create an environment hostile to actually doing something constructive to resolve the historic nitrate problem in the lower Yakima Valley. This report, and the manner in which it was created represents the single greatest threat to the ultimate success of the newly formed GWMA. EPA is going to have to choose either it's radical environmental non science based agenda, or the recongnized and funded GWMA; the two are inherently incompatible. All parties associated with the GWMA agree; all stakeholders must be present and participate to move forward. Urban and suburban mini and septic must work with the

production agricultural community have both legal and moral obligations with respect to the all important groundwater resource. After release and review of your report, any rational person in the production ag community considering the agency's motivations fully expressed in the design and execution of the "research" in this document cannot logically consider working with EPA for fear of economic ruin based on the positions and actions the agency has taken. In plain farming language, Mr. Eaton, you and EPA are going to harvest the bitter fruits, from this is indeed the crop you have sown. How you respond to the comments thoughtful scientists and engineers and the public at large will determine whether this is set in stone or not. I cannot emphasize strongly enough the damage done, intentional or not, and I remind you again any redemption potential lies in how the agency responds to the comments submitted.

Best Regards,

Stuart Turner, CPAg

-----Original Message-----

From: Eaton.Thomas <Eaton.Thomas@epamail.epa.gov>

To: Stuart Turner <agforensic@aol.com>

Cc: Washington State Dairy Federation -- <wsdf@msn.com>; Anderson.Karma <Anderson.Karma@epamail.epa.gov>

Sent: Wed, Oct 31, 2012 8:43 am

Subject: RE: WSDF Proposed Cooperative Audit

Hello Stu,

I understand from Karma that you were expecting a reply to your September 28th e-mail. When Jay clarified that your proposal was not sent on behalf of the Washington State Dairy Federation, I felt that no response was necessary.

Tom Eaton
Director
Washington Operations Office
USEPA, Region 10
360-753-8086

<graycol.gif>Washington State Dairy Federation -- ---09/28/2012 12:07:19 PM---Stu, I should have listened a little closer last night when you were talking about your discussion

From: Washington State Dairy Federation -- <wsdf@msn.com>

To: Stuart Turner <agforensic@aol.com>

Cc: Personal Privacy/ Ex. 6

Date: 09/28/2012 12:07 PM

Subject: RE: WSDF Proposed Cooperative Audit

Stu,

I should have listened a little closer last night when you were talking about your discussion with Tom. I did not hear you ask and it never crossed my mind that you would offer anything in writing to EPA **on our behalf!?**

This creates several a rather large problems.

1. This is not your offer to make on our behalf, I did not approve it and
2. in fact I do not even have the authority to make this offer because...

I have not talked to our partners about their outline, concerns and objectives on IF and then HOW and TO WHAT EXTENT we do a science review during the 60 day public comment.

Your proposal is significantly outside our current budget and I need board approval for that.

I ask you to please convey this to Mr. Eaton.

Jay Gordon

Washington State Dairy Federation
Elma, Washington
360-482-3485

To: Eaton.Thomas@epamail.epa.gov
Subject: WSDF Proposed Cooperative Audit
From: agforensic@aol.com
CC: wsdf@msn.com
Date: Fri, 28 Sep 2012 14:37:36 -0400

Dear Tom,

I imagine you are back to a slightly less stressful and more enjoyable work day today, I know you faced some challenges yesterday from the industry at large, to be expected as you were the selected/volunteered EPA representative.

This is a followup to our several discussions, formalizing the request of the WSDF to form a small (4-5) group of highly qualified and independent experts to much more closely examine the actual raw data, and talk with the EPA and contract lab workers involved in the just published Lower Yakima Groundwater Study. We also would like to speak to the specific, As you and I agreed, small, peer to peer meetings on technical issues tend to be far more productive than public meetings; this is magnified by several orders when we have the actual data to examine and discuss rather than selected summaries. With the very tight timeline imposed by the formal public comment deadline of November 30, I would like a response from your group at EPA as soon as possible on this issue. If we have to take the alternate and less desirable route of FOIA, not only will it be more difficult and expensive for both parties, the lack of an opportunity to discuss matters face to face makes this a distinctly unloved option.

I anticipate that if all the data is available, the external audit/review can be completed in it's initial phase in just a few months; prior to generation of formal comments and public detailed comments, we would like to have a second meeting to exchange our views with EPA staff and scientists in hopes of finding the maximum amount of consensus on specific issues. Following that would be formal submission of comments and any attendant public statements; if you agree to the audit our end of the bargain is to refer all specic comments to a general statement that they are being withheld, pending a cooperative review of the raw data.

If there is some other specific terms you would like to impose, I am open to a discussion, but would like to get this process well underway as soon as possible. I look forward to the favor of your prompt response,

Best Regards,

Stuart Turner, CPAg
Turner & Co., Inc.

